

REMARKS

(1) Claims 1-79 and 117-122 are pending in the present application. Applicant cancelled Claims 80-116 herein, which were non-elected claims under a prior restriction requirement.

(2) The Office Action cited the following reference:

U. S. Patent 6,665,580, by Ergo, *et al.*, entitled *System And Method For Renting Or Purchasing Digital Media* (referred to as "Ergo 580" hereinafter).

(3) Claims 1-79 and 117-122 have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-21 of Ergo 580. A Terminal Disclaimer under 37 C.F.R. §1.321(c) is submitted herewith per the request of the Examiner, along with credit card payment for the Terminal Disclaimer Fee (\$65.00).

(4) Applicant acknowledges that the Office Action stated that "Claims 1-79 and 117-122 would be allowable upon the timely filing of a terminal disclaimer." Applicant thanks the Examiner for his thoughtful examination of this application. Because Applicant has submitted a Terminal Disclaimer herewith, the current application is in condition for allowance.

(7) In view of the above, Applicant respectfully submits that the application is in condition for allowance and requests that the case be passed to issuance. If the Examiner should have any questions, Applicant requests that the Examiner contact Applicant's representative at the address and/or phone number below. No new claims have been added, and thus no claim fees are due in this amendment.

Respectfully submitted,

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Date


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